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Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 15

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 August 1994]

Draft United Nations declaration on the rights of indigenous peoples

1. On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative Indian organization in the United States, the Indian Law Resource Center expresses its support for the draft United Nations declaration on the rights of indigenous peoples in its current form.

2. The member tribes of the NCAI have repeatedly shown their support for the declaration and have adopted resolutions to that effect. Attached is the text of resolution NV-93-131 ("Resolution to support and promote the adoption of the draft United Nations declaration of the rights of indigenous peoples"), adopted by NCAI in December 1993.

3. In the light of the critical situations indigenous peoples find themselves in, and in keeping with the letter and spirit of resolution NV-93-131, NCAI takes every opportunity to promote and works to ensure that the declaration is considered and adopted without delay.

4. The draft declaration should be referred by the Sub-Commission to the Commission on Human Rights this year, without change; it would be most productive to work on the declaration at the Commission level.

NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION NO. NV-93-131

Resolution to support and promote the adoption of the draft United Nations declaration of the rights of indigenous peoples

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

Whereas, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns; and

Whereas, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

Whereas, it is appropriate for the NCAI to support all indigenous peoples, both in the United States and elsewhere, in their efforts to protect their sovereignty, defend their rights, and preserve their cultures; and

Whereas, indigenous peoples throughout the world, including the United States, have historically been and continue to be subject to legally invalid, morally condemnable and socially unjust violations of their individual and collective human rights and fundamental freedoms; and

Whereas, such violations result in the taking of indigenous peoples' lands, territories and resources, as well as economic deprivation and social marginalization of indigenous peoples and the destruction of indigenous sovereignty, culture, and spiritually; and

Whereas, the United Nations Working Group on the Rights of Indigenous Populations has, in August 1993, completed a decade of preparatory work on the draft declaration on the rights of indigenous peoples that will proclaim and help strengthen the rights of American Indians, Alaska Natives and all other indigenous peoples in the world; and

Whereas, the proposed declaration recognizes and declares that collective rights of indigenous peoples to self-determination, by virtue of which they may freely determine their political status and freely pursue the economic, social, and cultural development; and

Whereas, NCAI has, by Resolution No. MID GB9301, resolved to give priority attention to improvement of the draft declaration; encouraged the United States Government to support adoption of the strongest and most effective declaration possible and to take all possible steps to respect and promote all the rights contained therein; and encouraged the member Nations of NCAI to participate in the work of the United Nations toward adoption of the declaration and to join in building support for the declaration; and

Whereas, the United States Congress has, by Concurrent Resolution, S. Con. Res. 44, resolved to support the United Nations in its efforts to establish international standards on the rights of indigenous peoples, urged the United Nations, to proclaim an International Decade of the World's Indigenous Peoples and resolved to address the rights and improve the social and economic conditions of indigenous peoples in the United States; now

Therefore be it resolved, that NCAI does hereby fully support and will actively promote the adoption of the draft United Nations declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group on Indigenous Populations at its eleventh session, 1993, by the General Assembly of the United Nations.

Be it further resolved, that NCAI calls on the United States Government and all tribal and state governments to support and promote the draft declaration on the rights of indigenous peoples as agreed upon by the members of the Working Group on Indigenous Populations at its eleventh session, 1993; urges the United States Congress and tribal and state legislatures to pass resolutions requesting the United States Government to actively support and participate in the adoption of this draft declaration; and calls on national, state and tribal legislative bodies to hold hearings to promote this draft declaration.

Be it further resolved, that NCAI supports and urges formal adoption of the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its 1993 session calling for:

- Special measures to permit legitimate indigenous representatives to participate in the consideration of the draft declaration without having credentials as non-governmental organizations.

- The Secretary-General to consider establishing a permanent forum for indigenous peoples in the United Nations system.

- Endorsement of the recommendation of the World Conference of Human Rights that the United Nations General Assembly proclaim an international decade of the world's indigenous peoples to begin from January 1994.

- The United Nations to hold an international seminar on the topic of indigenous land rights and land claim procedures.